

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

KYLIE TAYLOR

Plaintiff,

V.

GROUP CONTRACTORS, LLC;
GROUP DEEP FOUNDATIONS, LLC; and
ANDY DUPUY

Defendants

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§
§

C.A. NO. _____

**DEFENDANTS GROUP CONTRACTORS, LLC AND
GROUP DEEP FOUNDATIONS, LLC'S NOTICE OF REMOVAL**

Defendants, Group Contractors, LLC and Group Deep Foundations, LLC, pursuant to 28 U.S.C. §§ 1332 and 1441(a), and without waiving any defenses, hereby give notice of removal of this case from the 149th Judicial District Court of Brazoria County, Texas, to the United States District Court for the Southern District of Texas, Galveston Division, and show the Court as follows:

**I.
INTRODUCTION**

1. Plaintiff Kylie Taylor filed this action for alleged personal injuries against Defendants Group Contractors LLC, Group Deep Foundations, LLC, and Andy Dupuy, in the 149th Judicial District Court of Brazoria County, Texas, on January 21, 2022. The case was assigned Cause No. 116249-CV. The state court has not issued any rulings in this case.

2. Plaintiff's Original Petition alleges that Plaintiff sustained a personal injury on January 19, 2022, while driving southbound on State Highway 35 at the intersection of State Highway 35 and County Road 881 in Brazoria County, Texas.

3. Venue is proper in this district under 28 U.S.C. § 1441(a) because this Court occupies the district and division in which Plaintiff's Original Petition was filed.

4. Defendants Group Contractors, LLC and Group Deep Foundations, LLC's agent for service of process was served with Plaintiff's Original Petition on January 25, 2022. Defendant Andy Dupuy has not been served with process as of the date of filing of this notice. Removal before service is completed on all defendants is permitted under 28 U.S.C. § 1448 ("In all cases removed from any State court to any district court of the United States in which any one or more of the defendants has not been served with process or in which the service has not been perfected prior to removal, or in which process served proves to be defective, such process or service may be completed or new process issued in the same manner as in cases originally filed in such district court."). This Notice of Removal is being filed within 30 days of service on Defendants Group Contractors, LLC and Group Deep Foundations, LLC and is therefore timely pursuant to 28 U.S.C. § 1446(b).

5. Defendants will promptly file a copy of this notice of removal with the clerk of the state court where the action has been pending.

II. BASIS FOR REMOVAL

6. Removal of this action is proper because there is complete diversity between the parties. 28 U.S.C. § 1332(a). Plaintiff is a citizen of Texas. Defendants Group Contractors, LLC and Group Deep Foundations, LLC are citizens of Louisiana because they are incorporated in Louisiana and have their principal places of business in Louisiana. Defendant Andy Dupuy is a citizen of Louisiana. The amount in controversy exceeds \$75,000, excluding interest, costs, and attorney's fees. 28 U.S.C. § 1332(a).

III.
JURY DEMAND

7. Plaintiff demanded a jury in the state court action.

IV.
DOCUMENTS FILED WITH THIS NOTICE PURSUANT TO LOCAL RULE 81

10. Pursuant to Southern District of Texas Local Rule 81, Defendants file the following documents with this Notice.

EXHIBIT A: An Index of all matters being filed with this Notice.

EXHIBIT B: List of attorneys involved in the action being removed, including each attorney's bar number, address, telephone number, and party or parties represented.

EXHIBIT C: Copy of Plaintiff's Original Petition filed in Cause No. 116249-CV, in the 149th Judicial District Court of Brazoria County, Texas.

EXHIBIT D: Docket sheet from state court, Cause No. 116249-CV, in the 149th Judicial District Court of Brazoria County, Texas.

11. No executed process has been filed in the state court as of the date of filing of this Notice of Removal.

V.
CONCLUSION

BASED ON THE FOREGOING, Defendants Group Contractors, LLC and Group Deep Foundations, LLC remove this case from the 149th Judicial District Court of Brazoria County, Texas, to this Court.

Respectfully submitted,

BLUE WILLIAMS, LLC

By: /s/ Steven S. Reilley

Steven S. Reilley

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ATTORNEYS FOR DEFENDANTS

GROUP CONTRACTORS, LLC,

GROUP DEEP FOUNDATIONS, LLC

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2022, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to anyone able to accept electronic filing.

/s/ Steven S. Reilley

Steven S. Reilley